

*Nalawade*FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 272 OF 2018

Sharjil Ahamad Mohd. Hanif Momin and anr.

vs.

State of Maharashtra

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Moinuddin Ahmed Khan for the Applicant.

Mr. A.A.Palkar,APP. for the State.

CORAM :A.S.GADKARI, J.

DATE : 14th February, 2018

P.C.

1) This is an application under Section-438 of the Code of Criminal Procedure for pre-arrest bail in CR No.I-413 of 17 dated 16.12.2017 registered with Bhiwandi City Police Station, District Thane under Sections 143, 147, 148, 149, 326, 323, 504, 109 of the Indian Penal Code.

2) The first information report is lodged by Mr. Abdul Rahim Mohd. Shaikh. It is stated that, on 15.12.2017, at about 10.00 p.m. a namaz was organized at Quarter Gate Masjid by Mohd. Yusuf Raja. After offering the namaz a meeting followed thereafter when 10 to 12 persons were present in the said

Masjid, the applicant along with other accused persons came there and the applicant No.2 instigated other accused persons to assault the persons present in the Masjid. At that time the applicant No.2 assaulted with wooden log on the head of the first informant while applicant No.1 was instigating others for the said assault. In the premise, the first information report is lodged.

3) The learned counsel appearing for the applicants submitted that there are disputes between two groups of the community and at that relevant time the applicant No.1 was not present at that place. He relied on the photographs downloaded from CCTV footage and submitted that the applicant No.1 was standing just outside the masjid. He submitted that there are cross cases filed by the group of the applicants and the first informant. He further submitted that as a matter of fact the applicants herein and the first informant have settled the matter amicably and therefore, there is no necessity for the custodial interrogation of the applicant. He therefore, prayed that the applicant may be granted pre-arrest bail.

4) The record of investigation indicates that the version narrated by the first informant in the first information report is

duly corroborated by the Medical Certificate issued by the Indira Gandhi Memorial Hospital of Municipal Corporation of Bhiwandi dated 16.12.2017. The presence of the applicants at the scene of offence is not disputed. The record further indicates that both the applicants are history sheeters and at least four cases each of similar nature are pending against them.

5) In view of the above and after taking consideration the serious allegations against the applicants and the gravity of the offence, this Court is of the view that the applicants do not deserve to be protected by pre-arrest bail.

6) Application is accordingly rejected.

(A.S. GADKARI, J.)